(3) (3)

WP 21192/03 J
OA 4186/2

IN THE MADHYA PRADESH STATE ADMINISTRATIVE TRIBUNAL

JABALPUR

O.A.NO. 4186 /2002

APPLICANT : Heera Sai, S/o Devnath Sai, Caste Kanwar, Posted As AccountaKnt, in the office District Eudation Officer Jaspurnagar, R/o Posga, Post Lakhanpur, District Sarguja, (C.G.)

VERSUS

RESPONDENTS :1. State of Chhatisgarh, through the Chief Secretary School Education Department Dev Kalyan Singh Bhawan, Raipur.

2. District Education Officer, Jaspur Nagar.

3. Shri Tribhuvan Shah, Accountant Officer of the project Officer Anapchari Ketar Shankargarh Ambikapur

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT 1985

(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 2181 OF 2005

Petitioner : Heera Sai

Versus

Respondents : State of Chhattisgarh and others

Present : None appears for the petitioner.
Mr. V.V.S. Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the State.

ORDER
(Passed on 9th Day of March, 2007)

The petitioner, while working as Accountant in the office of District Education Officer, Jashpur Nagar was transferred to Project Officer, Aupchariketer Education Center, Shankargarh, District-Ambikapur on the same terms and conditions, vide impugned transfer order dated 23-9-2002 (Annexure A-1).

2. The Madhya Pradesh Administrative Tribunal, Jabalpur, vide interim order dated 31-10-2002, granted stay of the impugned transfer order dated 23-9-2002 (Annexure A-1).

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as

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administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash